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"Give light and the people will find their own way."

Richard Hollander,
EditorRay F. Mack,
Business Manager

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Fortas Had to Go

ABE Fortas had no real option on what he had to do — resign.

His conduct as associate justice of the Supreme Court was incredible. Even more incredible is his belief that he has done nothing wrong.

He long has had a reputation as a man of brilliant mind. Beginning as a poor boy, he had accumulated a fortune. He had been in public office many years in his earlier days. He had been an advisor to the President of the United States. If only by osmosis, you would think he would have sopped up some of the ethical standards of the American people.

Almost anyone in the country would understand the impropriety of a Supreme Court Justice accepting a lifetime annual fee of \$20,000 from any outside source — let alone a foundation set up by a high-flying stock manipulator heading for trouble with the law.

But not, apparently, Justice Fortas.

Mr. Fortas got the first \$20,000 check in January, 1966, three months after he went on the bench. He resigned his role with the Wolfson Family Foundation after criminal prosecution of Louis E. Wolfson (a former Fortas client) had been recommended to the Justice Department.

But he did not return the \$20,000 to the foundation until several weeks after Wolfson had been indicted.

If Mr. Fortas ever read Canon 4 of the Canons of Judicial Ethics he apparently didn't understand it:

"A judge's conduct," the canon reads, "should be free from impropriety and the appearance of impropriety; he should avoid infractions of the law; and his personal behavior, not only upon the

bench and in the performance of official duties, but also in his everyday life, should be beyond reproach."

* * *

Mr. Fortas' behavior has dealt a severe blow to the prestige of the Supreme Court. The seriousness of this is not mitigated by the knowledge that Justice Douglas several years ago was revealed as accepting a \$12,000 annual salary as director of a California foundation. That situation never has been resolved, not publicly anyway.

There was a proposal in Congress to start a preliminary inquiry into the Fortas case next week. Some Congressmen now say this isn't necessary, that the case of "closed." But what about Justice Douglas? And whether or not the whole Fortas story has been revealed? What additional information does the Justice Department have?

Congress at least ought to inform itself — and the public — on every last aspect of links between the court and outside interests; as a preparation for Senate review of future Supreme Court appointees, if nothing else.

And, speaking of future appointments, as a result of Mr. Fortas' imprudence the successors to him and to Chief Justice Warren after he retires next month are bound to be subjected to meticulous scrutiny by the Senate Judiciary Committee — as was Mr. Fortas when President Johnson tried to make him chief justice last year.

So it behooves President Nixon, in choosing his candidates, to select men of the highest judicial caliber. Among other things, it is paramount that they have the most circumspect understanding of Canon 4.

'NOW I CAN SLEEP BETTER AT NIGHT'

